

REMARKS

Claims 1-14 are pending in the application and have been rejected. Reconsideration and allowance of Claims 1-14 in view of the following remarks is respectfully requested.

The Rejection of Claims 1-3, 5-8, and 10-14 Under 35 U.S.C. § 103(a)

Claims 1-3, 5-8, and 10-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,572,919, issued to Westland et al., in view of U.S. Patent Application Publication No. US2003/0208859 by Neogi et al., and further in view of U.S. Patent No. 5,571,604, issued to Sprang et al. Withdrawal of the rejection is requested for the following reasons.

The claimed invention relates to whitened crosslinked cellulosic fibers, comprising cellulosic fibers treated with a crosslinking agent and a whitening agent comprising one or more dyes. See independent Claims 1, 6, and 12.

The Examiner states that the Westland reference describes a process for making crosslinked fibers that includes applying a crosslinking agent and catalyst to a web of fibers, separating the web into individualized fibers, and heating the individualized fibers to provide individualized crosslinked fibers. The Examiner states that the Westland reference does not disclose the use of a whitening agent in the preparation of the crosslinked fibers.

The Examiner relies on the Neogi reference for the teaching of the addition of colorant (e.g., blue dye) to whiten fluff pulp. Applicants respectfully submit that the rejection based on the Neogi reference be withdrawn for the following reasons.

The Neogi reference has a publication date of November 13, 2003 and is a § 102(a) reference with respect to the present application. Because the present invention was reduced to practice before the publication of the Neogi reference, withdrawal of the rejection based on the Neogi reference is respectfully requested.

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37 C.F.R. § 1.131: Declaration of Prior Invention. According to 37 C.F.R. § 1.131, if the applicant establishes reduction to practice of the invention claimed in his application prior to the effective date of the reference, then the Patent Office should withdraw the rejection based on that reference. 37 C.F.R. § 1.131(a)(1), states, in pertinent part:

[w]hen any claim of an application is rejected, the inventor of the subject matter of the rejected claim . . . may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference . . . on which the rejection is based.

Therefore, pursuant to 37 C.F.R. § 1.131, an applicant may overcome a 35 U.S.C. § 102(a) rejection by presenting a showing of facts that establish that applicant reduced to practice the claimed invention in the U.S. before the effective date of the cited reference.

Evidence of Prior Invention. Enclosed herewith is the declaration of Kathy A. Welch evidencing invention of the presently claimed subject matter prior to November 13, 2003, the publication date of the Neogi reference.

As set forth in Ms. Welch's declaration, whitened crosslinked cellulose fibers were prepared by treating cellulosic fibers with a crosslinking agent (i.e., citric acid), a whitening agent (i.e., a blue dye), and a bleaching agent (i.e., hydrogen peroxide or a combination of hydrogen peroxide and sodium hydroxide). See Welch declaration paragraph 4. The declaration and supporting documentation (Exhibits A-H) evidence the preparation of the whitened crosslinked fibers having the compositions described in Table 1 of the present application. All of the whitened crosslinked fibers described above were prepared prior to November 13, 2003. See Welch declaration paragraph 5.

The Welch declaration and supporting documentation evidence that the claimed invention was reduced to practice prior to the publication of the Neogi reference. Because the Neogi reference has an effective date after the date of reduction to practice of the presently claimed

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invention, applicants have established reduction to practice of the claimed invention prior to the effective date of the Neogi reference.

Because applicants have established that the claimed invention was reduced to practice prior to the effective date of the Neogi reference, withdrawal of the rejections based on the reference is respectfully requested.

Applicants submit that without the Neogi reference, there is no motivation to combine the colorant described in the Sprang reference with the crosslinking process described in the Westland reference. The Westland reference fails to suggest or provide any motivation to further color fibers produced by that method to improve their brightness. Furthermore, the Sprang reference merely notes that fibrous webs can be subject to chemical post-treatment and that a variety of chemicals (e.g., dyes and pigments, among others) can be used to impart or enhance desirable properties. The Sprang reference provides no suggestion or motivation to color crosslinked fibers that would be further subject to bleaching.

Because the Neogi reference is unavailable as a prior art reference, and because the Westland and Sprang references fail to teach, suggest, or provide any motivation to make the claimed whitened crosslinked cellulosic fibers, the claimed invention is nonobvious and patentable over the Westland and Sprang references. Withdrawal of this rejection is respectfully requested.

The Rejection of Claims 4 and 9 Under 35 U.S.C. § 103(a)

Claims 4 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Westland et al., Neogi et al., and Sprang et al., as applied to Claims 1-3 and 5-8 above, and further in view of U.S. Patent No. 5,512,064, issued to von der Eltz. Withdrawal of the rejection is requested for the following reasons.

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Claim 4 depends from Claim 1, and Claim 9 depends from Claim 6. Claims 1 and 6 have been addressed above.

The Neogi reference is not available as prior art. The deficiencies of the teachings of the Westland and Sprang references noted above are not cured by the teaching of the von der Eltz reference. The von der Eltz reference relates to azo dyes and azo metal complex dyes, and more specifically, to a process for dyeing textiles and fabrics to enhance the substantivity of the dyes (i.e., improve dye fixation to the material and to improve the fastness properties of the dyeing). The reference addresses the problem associated with traditional dyeing processes that require strongly alkaline conditions to effect dye fixation to a fiber material. Use of the azo dyes in the reference requires that the fiber material be modified by pretreatment with a polymeric compound that includes a primary or secondary amine and has been crosslinked by a suitable bifunctional material.

As noted above, the Neogi reference is not available as prior art that is citable against the present application, and the Westland and Sprang references fail to teach or suggest whitened crosslinked cellulosic fibers produced by treating cellulosic fibers with a crosslinking agent, a whitening agent, and a bleaching agent. The teaching of the von der Eltz reference fails to cure the deficiencies of the teachings of the Westland and Sprang references.

The combined teachings of the Westland, Sprang, and von der Eltz references fail to teach, suggest, or provide any motivation to make the claimed invention directed to whitened crosslinked cellulosic fibers.

Because the Neogi reference is unavailable as a prior art reference, and because the Westland, Sprang, and von der Eltz references, either alone or in any combination, fail to teach, suggest, or provide any motivation to make whitened crosslinked cellulosic fibers, the claimed

invention is nonobvious and patentable over the cited references. Withdrawal of the rejection is respectfully requested.

The Provisional Obviousness-Type Double Patenting Rejection

Claims 1-14 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 3-6, 9-14, and 17-19 of copending Application No. 10/813,957.

Applicants intend to file a terminal disclaimer on the indication of allowable subject matter.

CONCLUSION

In view of the foregoing remarks, applicants believe that Claims 1-14 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

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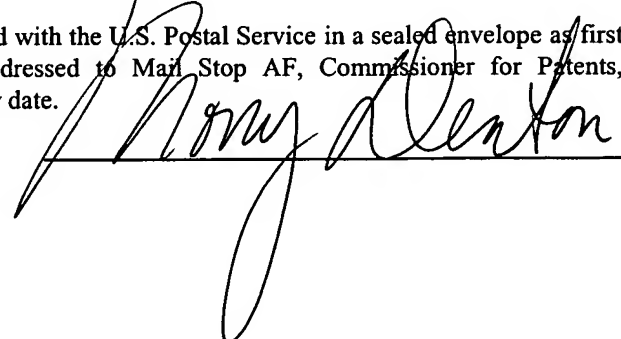


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